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10/653,236	09/03/2003	Kang Soo Seo	46500-000538/US	4847
30593	7590	06/16/2009	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 8910 RESTON, VA 20195				CHOI, MICHAEL P
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/653,236	SEO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael Choi	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 February 2009.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,2,4,13,15-18,20-23,25,29,31-34,36 and 40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,4,13,15-18,20-23,25,29,31-34,36 and 40 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1, 2, 4, 13, 15-18, 20-23, 25, 29, 31-34, 36 and 40 have been considered but are moot in view of the new ground(s) of rejection.

### ***Double Patenting***

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1, 2, 4, 13, 15-18, 20-23, 25, 29, 31-34, 36 and 40 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1,6,9,12,15-19,22,25,28,29,32,35,36,39,42,43,46 and 40 of copending Application No. 10/653,235 in view of Ando et al. (US 2001/0046371 A1).

**Regarding Claim 1 of the instant application, claims 1 and 15-18 of '235 teach a computer readable medium having a data structure for managing reproduction of a slideshow of still images recorded on the computer readable medium, comprising:**

Art Unit: 2621

- a data storing area storing first and second stream files, the first stream file including video data reproducing at least one still image, the second stream file including at least audio data;
- a playlist area storing a playlist file, the playlist file including at least one playitem and at least one sub-playitem, the playitem indicating in-point and out-point of the first stream file for reproducing the still images, the sub-playitem indicating in-point and out-point of the second stream file for reproducing the audio data but fails to explicitly teach and including link information, the link information indicating at least one playitem associated with the sub-playitem such that the still image and the audio data are played together.

Ando teaches and including link information (Figs. 28A,B, 43-48 – audio entry points with linking), the link information indicating at least one playitem associated with the sub-playitem such that the still image and the audio data are played together (Figs. 10-12 – linking still picture and audio entry points with audio data for reproduction).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have such still image markers associated with corresponding audio markers so as to link each to the other in order to reproduce both audio and video or image playback compatibility.

**Regarding Claim 2 of the instant application '235** but fails to explicitly teach the computer readable medium of claim 1, wherein the link information links the still images and the audio data such that presentation of the still images is synchronized with reproduction of the audio data. Ando teaches wherein the link information links the still images and the audio data (in at least Figs. 7, 8, 10-13 – link with original track) such that presentation of the still images is synchronized with reproduction of the audio data (Figs. 7-10 – audio tracks associated with a

still picture for playback synchronization; Figs. 6A,B). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have such still image markers associated with corresponding audio markers so as to link each to the other in order to reproduce both audio and video or image playback compatibility.

**Regarding Claim 4 of the instant application, claims 6, 25, 32 and 46 of '235 teach the computer readable medium of claim 1, wherein the playitem includes duration information indicating a duration to display each still image during reproduction of the slideshow.**

**Regarding Claim 13 of the instant application, claim 12 of '235 teaches the computer readable medium of claim 1, wherein the playlist file includes mark information, the mark information includes a mark pointing to a still image.**

**Regarding Claim 15 of the instant application, claims 1 and 15-18 of '235 teach a method of reproducing a slideshow, comprising:**

- reproducing first and second stream files in a data area, the first stream file including video data reproducing at least one still image, the second stream file including at least audio data;
- reproducing a playlist file in a playlist area, the playlist file including at least one playitem and at least one sub-playitem, the playitem indicating in-point and out-point of the first stream file for reproducing the still images, the sub-playitem indicating in-point and out-point of the second stream file for reproducing the audio data but fails to explicitly teach and including link information, the link information indicating at least one playitem

associated with the sub-playitem such that the still image and the audio data are played together.

Ando teaches and including link information (Figs. 28A,B, 43-48 – audio entry points with linking), the link information indicating at least one playitem associated with the sub-playitem such that the still image and the audio data are played together (Figs. 10-12 – linking still picture and audio entry points with audio data for reproduction).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have such still image markers associated with corresponding audio markers so as to link each to the other in order to reproduce both audio and video or image playback compatibility.

**Regarding Claim 16 of the instant application, claims 1 and 15-18 of '235 teach an apparatus for reproducing a slideshow, comprising:**

- a pick up device configured to reproduce data recorded on a recording medium;
- a controller configured to control pick up to reproduce first and second stream files in a data area, the first stream file including video data reproducing at least one still image, the second stream file including at least audio data, and configured to control the pick up to reproduce a playlist file, the playlist file including at least one playitem and at least one sub-playitem, the playitem indicating in-point and out-point of the first stream file for reproducing the still images, the sub-playitem indicating in-point and out-point of the second stream file for reproducing the audio data but fails to explicitly teach and including link information, the link information indicating at least one playitem associated with the sub-playitem such that the still image and the audio data are played together.

Ando teaches and including link information (Figs. 28A,B, 43-48 – audio entry points with linking), the link information indicating at least one playitem associated with the sub-playitem such that the still image and the audio data are played together (Figs. 10-12 – linking still picture and audio entry points with audio data for reproduction).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have such still image markers associated with corresponding audio markers so as to link each to the other in order to reproduce both audio and video or image playback compatibility.

**Regarding Claim 17 of the instant application, claims 1 and 15-18 of '235 teach a method of recording a data structure for managing reproduction of a slideshow of still images recorded on a recording medium, comprising:**

- recording first and second stream files in a data area, the first stream file including video data reproducing at least one still image, the second stream file including at least audio data; and
- recording a playlist file in a playlist area of the recording medium, the playlist file including at least one playitem and at least one sub-playitem, the playitem indicating in-point and out-point of the first stream file for reproducing the still images, the sub-playitem indicating in-point and out-point of the second stream file for reproducing the audio data but fails to explicitly teach and including link information, the link information indicating at least one playitem associated with the sub-playitem such that the still image and the audio data are played together.

Ando teaches and including link information (Figs. 28A,B, 43-48 – audio entry points with linking), the link information indicating at least one playitem associated with the sub-playitem

such that the still image and the audio data are played together (Figs. 10-12 – linking still picture and audio entry points with audio data for reproduction).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have such still image markers associated with corresponding audio markers so as to link each to the other in order to reproduce both audio and video or image playback compatibility.

**Regarding Claim 18 of the instant application, claims 1 and 15-18 of '235 teach an apparatus for recording a data structure for managing reproduction of a slideshow of still images recorded on a recording medium, comprising:**

- pick up configured to record data on the recording medium;
- a controller configured to control pick up to record first and second stream files in a data area, the first stream file including video data reproducing at least one still image, the second stream file including at least audio data; and
- configured to control pick up to record a playlist file in a playlist area of the recording medium the playlist file including at least one playitem and at least one sub-playitem, the playitem indicating in-point and out-point of the first stream file for reproducing the still images, the sub-playitem indicating in-point and out-point of the second stream file for reproducing the audio data but fails to explicitly teach and including link information, the link information indicating at least one playitem associated with the sub-playitem such that the still image and the audio data are played together.

Ando teaches and including link information (Figs. 28A,B, 43-48 – audio entry points with linking), the link information indicating at least one playitem associated with the sub-playitem

such that the still image and the audio data are played together (Figs. 10-12 – linking still picture and audio entry points with audio data for reproduction).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have such still image markers associated with corresponding audio markers so as to link each to the other in order to reproduce both audio and video or image playback compatibility.

**Claims 20, 23, 31, 34** are rejected under the same grounds as claim 2.

**Claims 21, 25, 32, 36** are rejected under the same grounds as claim 4.

**Claims 22, 29, 33, 40** are rejected under the same grounds as claim 13.

This is a provisional obviousness-type double patenting rejection.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 4, 13, 15-18, 20-23, 25, 29, 31-34, 36 and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Ando et al. (US 2001/0046371 A1).

**Regarding Claim 1**, Ando et al. (hereinafter Ando) teach a computer readable medium having a data structure for managing reproduction of a slideshow of still images recorded on the computer readable medium (Fig. 1), comprising:

- a data storing area storing first and second stream files (Fig. 3, Data Area 112), the first stream file including video data reproducing at least one still image (Fig. 3, VR\_Movie and AR\_Still picture recording areas), the second stream file including at least audio data (Fig. 3, AR\_Audio Object recording area);
- a playlist area storing a playlist file, the playlist file including at least one playitem and at least one sub-playitem (Figs. 7-10, 12, 28A,B and 43-48 – PGC or UDPGC having still picture and audio entry points), the playitem indicating in-point and out-point of the first stream file for reproducing the still images (Figs. 7-10, 12, 28A,B – still picture entry points), the sub-playitem indicating in-point and out-point of the second stream file for reproducing the audio data and including link information (Figs. 28A,B, 43-48 – audio entry points with linking), the link information indicating at least one playitem associated with the sub-playitem such that the still image and the audio data are played together (Figs. 10-12 – linking still picture and audio entry points with audio data for reproduction).

**Regarding Claim 2**, Ando teaches the computer readable medium of claim 1, wherein the link information links the still images and the audio data (in at least Figs. 7, 8, 10-13 – link with original track) such that presentation of the still images is synchronized with reproduction of the audio data (Figs. 7-10 – audio tracks associated with a still picture for playback synchronization; Figs. 6A,B).

**Regarding Claim 4,** Ando teaches the computer readable medium of claim 1, wherein the playitem includes duration information indicating a duration to display each still image (Figs. 6A, 6B) during reproduction of the slideshow (Fig. 43 – duration as further clarified in Figs. 6A – time chart points; 7-10, 12, 28A,B and 43-48).

**Regarding Claim 13,** Ando teaches the computer readable medium of claim 1, wherein the playlist file includes mark information, the mark information includes a mark pointing to a still image (in at least Fig. 10 – still picture entry point).

**Regarding Claim 15,** Ando teaches a method of reproducing a slideshow, comprising:

- reproducing (Figs. 1; 6A,B; 7 – reproduction of disc) first and second stream files in a data area (Fig. 3, Data Area 112; Fig. 6A,B), the first stream file including video data reproducing at least one still image (Fig. 3, VR\_Movie and AR\_Still picture recording areas), the second stream file including at least audio data (Fig. 3, AR\_Audio Object recording area);
- reproducing a playlist file in a playlist area, the playlist file including at least one playitem and at least one sub-playitem (Figs. 7-10, 12, 28A,B and 43-48 – PGC or UDPGC having still picture and audio entry points), the playitem indicating in-point and out-point of the first stream file for reproducing the still images (Figs. 7-10, 12, 28A,B – still picture entry points), the sub-playitem indicating in-point and out-point of the second stream file for reproducing the audio data and including link information (Figs. 28A,B, 43-48 – audio entry points with linking), the link information indicating at least one playitem associated with the sub-playitem such that the still image and the audio data are played together

(Figs. 10-12 – linking still picture and audio entry points with audio data for reproduction).

**Regarding Claim 16,** Ando teaches an apparatus for reproducing a slideshow, comprising:

- a pick up device configured to reproduce data recorded on a recording medium (Fig. 14 – disc drive, 409);
- a controller configured to control pick up to reproduce (Figs. 1; 6A,B; 7 – reproduction of disc) first and second stream files in a data area (Fig. 3, Data Area 112), the first stream file including video data reproducing at least one still image (Fig. 3, VR\_Movie and AR\_Still picture recording areas), the second stream file including at least audio data (Fig. 3, AR\_Audio Object recording area), and configured to control the pick up to reproduce a playlist file, the playlist file including at least one playitem and at least one sub-playitem (Figs. 7-10, 12, 28A,B and 43-48 – PGC or UDPGC having still picture and audio entry points), the playitem indicating in-point and out-point of the first stream file for reproducing the still images (Figs. 7-10, 12, 28A,B – still picture entry points), the sub-playitem indicating in-point and out-point of the second stream file for reproducing the audio data and including link information (Figs. 28A,B, 43-48 – audio entry points with linking), the link information indicating at least one playitem associated with the sub-playitem such that the still image and the audio data are played together (Figs. 10-12 – linking still picture and audio entry points with audio data for reproduction).

**Regarding Claim 17,** Ando teaches a method of recording a data structure for managing reproduction of a slideshow of still images recorded on a recording medium (Figs. 1; 6A,B), comprising:

- recording (Abstract) first and second stream files in a data area (Fig. 3, Data Area 112), the first stream file including video data reproducing at least one still image (Fig. 3, VR\_Movie and AR\_Still picture recording areas), the second stream file including at least audio data (Fig. 3, AR\_Audio Object recording area); and
- recording a playlist file (Page 11, Paragraphs [0214+]) in a playlist area of the recording medium (Fig. 1 – audio/video recording area, 121, containing program chains), the playlist file including at least one playitem and at least one sub-playitem (Figs. 7-10, 12, 28A,B and 43-48 – PGC or UDPGC having still picture and audio entry points), the playitem indicating in-point and out-point of the first stream file for reproducing the still images (Figs. 7-10, 12, 28A,B – still picture entry points), the sub-playitem indicating in-point and out-point of the second stream file for reproducing the audio data and including link information (Figs. 28A,B, 43-48 – audio entry points with linking), the link information indicating at least one playitem associated with the sub-playitem such that the still image and the audio data are played together (Figs. 10-12 – linking still picture and audio entry points with audio data for reproduction).

**Regarding Claim 18,** Ando teaches an apparatus for recording a data structure for managing reproduction of a slideshow of still images recorded on a recording medium, comprising (Figs. 1; 6A,B):

- pick up configured to record data on the recording medium (Fig. 14 – disc drive, 409);

- a controller configured to control pick up to record (Abstract) first and second stream files in a data area (Fig. 3, Data Area 112), the first stream file including video data reproducing at least one still image (Fig. 3, VR\_Movie and AR\_Still picture recording areas), the second stream file including at least audio data (Fig. 3, AR\_Audio Object recording area); and
- configured to control pick up to record a playlist file (Page 11, Paragraphs [0214+]) in a playlist area of the recording medium (Fig. 1 – audio/video recording area, 121, containing program chains) the playlist file including at least one playitem and at least one sub-playitem (Figs. 7-10, 12, 28A,B and 43-48 – PGC or UDPGC having still picture and audio entry points), the playitem indicating in-point and out-point of the first stream file for reproducing the still images (Figs. 7-10, 12, 28A,B – still picture entry points), the sub-playitem indicating in-point and out-point of the second stream file for reproducing the audio data and including link information (Figs. 28A,B, 43-48 – audio entry points with linking), the link information indicating at least one playitem associated with the sub-playitem such that the still image and the audio data are played together (Figs. 10-12 – linking still picture and audio entry points with audio data for reproduction).

**Claims 20, 23, 31, 34** are rejected under the same grounds as claim 2.

**Claims 21, 25, 32, 36** are rejected under the same grounds as claim 4.

**Claims 22, 29, 33, 40** are rejected under the same grounds as claim 13.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Choi whose telephone number is (571) 272-9594. The examiner can normally be reached on Monday - Friday 9:00AM - 5:30PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/  
Supervisory Patent Examiner, Art Unit 2621

/Michael Choi/  
Examiner, Art Unit 2621